

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED	
DATE	NOV 16 2011
4:00	O'Clock P.M.
Sandra K Markham, CLERK	
BY:	<i>Becky Hamilton</i>
Deputy	

DIVISION: PTB

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: Becky Hamilton, Deputy Clerk

CASE NO. V1300CR201080049

DATE: November 16, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney (e)

(For Plaintiff)

Plaintiff

VS

JAMES ARTHUR RAY

Thomas K. Kelly (e)

(For Defendant)

D-1

Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLEST & OLSONG LLP (e)

(For Defendant Pro Hac Vice)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Pre-Sentence

Christy Harrington

START TIME: 9:06 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Detective Ross Diskin, Case Agent
Kathy Durrer, State's Assistant
Tom Kelly, Counsel for Defendant
Luis Li, Pro Hac Vice Counsel for Defendant
Miriam Seifter, Pro Hac Vice Counsel for Defendant

At 9:06 a.m., Court convenes with the State, Defendant and Counsel present.

Court and Counsel discuss the issue of restitution.

The State presents Statement of Victim Financial Losses, which is marked as Exhibit 1184.

The State moves to admit Exhibit 1184 into evidence.

The Defense has no objection; however the Defense reserves the right to challenge.

IT IS ORDERED the State's claim, Exhibit 1184, is **admitted**.

IT IS ORDERED the State's Motion to Exceed Page Length is **granted**.

The Court addresses the Defendant's Motion concerning aggravating circumstances. The Court notes the matter was briefed and it can be decided on the briefs. This hearing is proceeding in an appropriate fashion, **IT IS ORDERED** the Defendant's motion is **denied**.

The Court reserves ruling on the Defendant's Motion to Strike.

At 9:24 a.m., Dr. Matthew James Bynum enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

At 9:48 a.m., the State cross examines the witness.

At 10:02 a.m., the Defense examines the witness on redirect.

At 10:05 a.m., the Court examines the witness.

At 10:08 a.m., the Defense examines the witness on follow up.

At 10:10 a.m., the State examines the witness on follow up.

The witness is excused and exits the courtroom.

At 10:22 a.m., Amy Grothe enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

The Court instructs all parties to return at 10:45 a.m.

~* ~* ~* ~* 10:30 a.m., Recess ~* ~* ~* ~*

At 10:48 a.m., Court reconvenes with all previously noted parties present. Amy Grothe is on the witness stand.

The Defense continues examination of the witness.

At 10:55 a.m., the State cross examines the witness.

At 11:20a.m., the Defense examines the witness on redirect.

The witness is excused and exits the courtroom.

At 11:25 a.m., Alex Smyth enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

The Court directs all parties to return after the lunch recess at 1:30 p.m.

~* ~* ~* ~* 11:49 a.m., Recess ~* ~* ~* ~*

At 1:38 p.m., Court reconvenes with all previously noted parties present. Alex Smyth is on the witness stand.

The Defense continues examination of the witness.

At 1:44 p.m., the State cross examines the witness.

The State offers an exhibit for marking.

The State continues cross examination of the witness.

At 2:21 p.m., the Defense examines the witness on redirect.

The witness is excused.

At 2:28 p.m., John Charles Ray enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

The Court instructs all parties to return in 15 minutes.

~* ~* ~* ~* 2:34 p.m., Recess ~* ~* ~* ~*

At 2:51 p.m., Court reconvenes with all previously noted parties present. John Charles Ray is on the witness stand.

The Defense continues examination of the witness.

At 3:26 p.m., the State cross examines the witness.

At 3:42 p.m., the Defense examines the witness on redirect.

At 3:47 p.m., the witness is excused from the witness stand.

The State moves to admit Exhibit 1185, Amended Statement of Victim Financial Losses. There being no objection, Exhibit 1185 is **admitted** as the States final claim.

IT IS ORDERED substituting the Grand Jury Transcript, which was admitted as Exhibit 1181 on November 15, 2011, for the specific Grand Jury Transcript pages of 27 and 28 only.

Court and Counsel discuss the schedule for tomorrow.

The Court advises Counsel of the Media requests for Friday, November 18, 2011. The media requests have been forwarded to Counsel.

The State and the Defense agree to leave the matter of the media to the Court's discretion.

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STATE V JAMES ARTHUR RAY
NOVMEBER 16, 2011

The Court advises all parties that Court will take place in the Division 1 courtroom on Friday morning, November 18, 2011.

The Court directs all parties to return on November 17, 2011, at 9:00 a.m.

Court adjourns at 3:59 p.m.

cc: Gallagher & Kennedy, P.C., Counsel for the Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for the Brown Family (e)
Stone & Magnanini, Co-Counsel for the Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for the Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, Tm TV and In Session (e)
Perkins, Cole, Brown & Bain, Counsel for KTVK-TV (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Prescott Superior Court